

## PATENTS

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application:	09/944,676	Examiner:	Mosser, Kathleen M
Filed:	August 31, 2001	Art Unit:	3713
Inventor:	Burgin, et al.	Atty Ref.:	1160215-0538115
Title:	<b>SYSTEM AND METHOD FOR AUTOMATED END-USER SUPPORT</b>		

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**APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to an invitation to correct for non-compliance, mailed February 25, 2007, Applicant has amended section V.B of this Appeal Brief according to the instructions provided by Examiner Kathleen Mosser in a telephonic conference regarding the same conducted on March 24, 2008. In support of Applicants' appeal, filed September 14, 2007, relating to the above-captioned patent application ("Application"), please consider the following.

**I. Real party in interest.**

The real parties in interest for the present application are Finali Corporation and Convergys Customer Management Group, Inc. Finali Corporation is the assignee of record per an assignment executed, on August 31, 2001, by inventors Daniel K. Burgin, Scott M. Gosling, David L. Young, and William R. Watler. Finali is a wholly-owned subsidiary of Convergys

Customer Management Group, Inc.

**II. Related appeals and interferences.**

To the best of Applicants' knowledge, there are no appeals or interferences which would directly affect or be directly affected by or have a bearing on the Board's decision in the present appeal. Applicant notes, however, that a decision issued on October 18, 2007, on a Request for a Pre-Appeal Review ("Pre-Appeal"), for the present application's sibling, U.S. Application Serial No. 09/944,836. Copies of the brief in support of said Pre-Appeal and the decision issued by the Panel are included in the Appendix.

**III. Status of the claims.**

Claims 1-24 were originally filed in the present application.

Claims 1-36 were cancelled.

Claims 37-56 are currently pending in the present application and are under final rejection. Claims 37-56 are the subject of the present appeal and are set forth in the Appendix (VIII) of this Brief.

**IV. Status of amendments.**

Prior to the final rejection in this application, amendments were submitted on December 7, 2005. These amendments have been entered. No amendments have been submitted since then in this application.

**V. Summary of Claimed Subject Matter.**

Generally, claims in the present application improve web-based customer support by minimizing the costs associated with live agents while retaining customers through an interactive, automated help session that monitors ongoing actions by the end-user. *See*, Application at [0008], [0011], [0040-0043] and Figures 6-7. An automated help session provides co-browsing through an automated agent that is displayed in the end-user's browser window in a second frame. *See*, Application at [0011]. A browser can simultaneously display unrelated documents in its various windows and frames, however, certain security measures prevent "the free flow of data and event information" between frames. *See*, Application at [0040]. Embodiments of the present invention circumvent this "consistent page domain security requirement" to reduce the costs associated with live support while providing an automated, interactive help session. *See*, Application at [0023] and [0041].

#### **A. Grouping of Claims**

Applicant suggests the following grouping of claims for the present appeal:

Group I: Claims 37-52, 54 and 56.

Group II: Claim 53.

Group III: Claim 55.

The arguments for why these groups of claims are separately patentable are set forth in detail in the Argument portion of this brief.

#### **B. Antecedent Basis**

Generally, independent claims 37, 45, and 53 are supported by, but not necessarily limited in scope by, the disclosure of paragraphs [0012], [0023], and [0038-0045], among others, in the present specification as originally filed. Claim 55 is supported by, but not necessarily limited in

scope by, the disclosure of paragraphs [0038] and [0042]-[0043], among others, in the present specification as originally filed.

More specifically, with regard to each of the independent claims (37, 45, and 53), please find antecedent basis for each limitation in bold in the following.

Claim 37

37. A computerized method for providing user support, the method comprising:

**[0003]**

passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer; **[0040-0041]**

determining the present navigation location within the first frame using the navigation event; **[0023]**

initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent through the second frame; **[0022; Figure 6 at 300]**

monitoring one or both of:

- (i) a plurality of subsequent navigation locations of the end-user within the first frame, or **[0012, 0023]**

- (ii) a plurality of subsequent navigation events initiated by the end-user within the first frame, [0023]

wherein the act of monitoring comprises passing the one or both of a plurality of subsequent navigation locations or a plurality of subsequent navigation events to the second frame, wherein the act of monitoring is performed at least in part by the automated agent; and displaying the first frame and the second frame in a single web page at the end-user computer. [0042-0043; Figures 6-7]

#### Claim 45

45. A computerized method for providing user support, the method comprising:

[0003]

passing, at an end-user computer, a navigation event from a first frame of a Web page originating from a first Internet domain to a second frame of the Web page originating from a second Internet domain, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer; [0040-0041]

determining the present navigation location within the first frame using the navigation event; [0023]

receiving automated help session content from the second Internet domain; [0040-0041]

providing a help session in the second frame at the end-user computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent,

wherein the act of providing a help session comprises one or both of: [0022];

**Figure 6 at 300]**

- (i) monitoring a plurality of subsequent navigation locations of the end-user within the first frame, or [0012, 0023]
- (ii) monitoring a plurality of subsequent navigation events initiated by the end-user within the first frame; and

displaying the first frame and the second frame in the Web page at the end-user computer. [0023]

Claim 53

53. A computerized method for providing user support at an end-user's computer, the method comprising: [0003]

passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are contained within a single Web page that is subject to a consistent page domain security requirement; [0041-0042]

determining the present navigation location within the first frame using the navigation event; [0023]

providing an automated help session in the second frame at the end-user's computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided at least in part by an automated agent, wherein the act of providing an automated help session

comprises: **[0022; Figure 6 at 300]**

- (i) monitoring navigation activities of the end-user within the first frame, **[0012, 0023]**
  - (ii) passing data from the second frame to the first frame, and **[0040]**
  - (iii) passing data from the first frame to the second frame; and **[0040]**
- displaying the first frame and the second frame in the single Web page at the end-user computer;
- wherein the end-user's computer, the first Internet domain, and the second Internet domain are separate domains. **[0042-0043; Figures 6-7]**

### **C. Concise Summary of Claim Groupings**

Group I is directed to providing an automated help session which is presented to an end-user via a second frame displayed within a single web page on the end-user's computer wherein the second frame monitors navigation events/locations of the end-user within the first frame. The second frame is associated with a domain separate/distinct from the domains associated with both the end-user's computer and the first frame.

Group II is similar to Group I but additionally, explicitly references the existence of the consistent page domain security requirement between the two frames contained within the single Web page and the passing of data between those two frames.

Group III is directed to masking web addresses to facilitate the monitoring of navigation events/locations of the end-user within the first frame by the second frame within a single Web page.

**VI. Grounds of Rejection to be Reviewed on Appeal**

The following references have been relied on by the Examiner in formulating the rejections:

U.S. Publication No. 2002/0130895 (Brandt),

U.S. Patent 6,256,620 (Jawahar),

U.S. Patent 6,694,314 (Sullivan).

Claims 37-54 and 56 (Groups I & II) are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Brandt in view of Jawahar. Claim 55 (Group III) is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Brandt in view of Jawahar and Sullivan.

The patentability of the suggested claim groupings is addressed extensively in the brief herein. None of the references cited by the Examiner teach or suggest the use of an automated help session presented in a dual-frame format on an end-user's browser wherein a second frame monitors end-user navigation in a first frame after the initiation of the session. Nor do the cited references teach or suggest the use of masking to circumvent the consistent page domain security requirement.

The Brandt reference teaches an automatic pop-up window based on data existing prior to the initiation of the help session. The Jawahar reference teaches live end-user support. Finally, the Sullivan reference does not teach a masking technique. Therefore, even in combination, these references do not teach or suggest the claims of the present application.

**VII. Argument****A. The Specification provides an Implicit Definition for the Term *Domain***

The Examiner contends that the specification fails to provide a definition regarding the



term domain. *See*, June 2007 OA at 5. This is incorrect. “[W]here no explicit description of a generic invention is to be found in the specification[,] ... mention of representative compounds may provide an implicit description upon which to base generic claim language.” In re Robins, 429 F.2d 452, 456-57, 166 USPQ 552, 555 (CCPA 1970).

The term domain is implicitly defined in the specification within the context of one of the problems solved by embodiments of the invention: the “consistent page domain security requirement”. *See*, Application at [0038, 0041]. The definition<sup>1</sup> proffered by Applicant in the Response to Office Action dated March 17, 2006, is consistent with this implicit definition: “A group of computers that are administered as a unit ....on the Internet, this term refers to all the computers that are collectively addressable within one of the four parts of an IP address. For example, the first part of an IP address specifies the number of a computer network. All the computers within this network are part of the same domain.”

The Examiner’s misunderstanding of this term appears to be at the root of a number of the rejections in the current application (including, but not limited to, the discussion in VII-B-1-b). Therefore, Applicant requests that the Board use the definition offered above, which is supported by the implicit usage of the term “domain” in the specification for the present appeal.

## **B. Rejection Under 35 USC 103(a) over Brandt and Jawahar**

### ***1. Claims 37-52, 54 and 56***

Claims 37-52, 54 and 56 were erroneously rejected under 35 U.S.C. §103(a) as being unpatentable over Brandt et al. (US 2002/0130895) in view of Jawahar et al. (US 6,256,620).

Applicants note that under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the

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<sup>1</sup> *Webster’s New World Computer Dictionary*, 9<sup>th</sup> ed.

limitations of a claim. Overall, three basic criteria must be met in order to establish a *prima facie* case of obviousness.<sup>2</sup> First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Finally, the art must carry a reasonable expectation of success if the combination or modification is made. The recent Supreme Court decision in KSR International Company v. Teleflex Incorporated, 127 S. Ct. 1727 (2007), the Court stated that a court must determine whether an alleged invention “is more than the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for the improvement.” The Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc., which were published by the USPTO, expounded on this by stating that “The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” *See*, Federal Register - Vol. 72, No. 195 (October 10, 2007) at 57528 (“USPTO KSR Guidelines”). These guidelines further stated that, “in the case of a claim to a combination, applicants may submit evidence or argument to demonstrate that one of ordinary skill in the art could not have combined the claimed elements by known methods (e.g., due to technological difficulties).” *Id.* at 57534.

The combination of Brandt and Jawahar do not teach all of the limitations of independent claims 37 and 45. The Examiner concedes in the Office Action dated June 19, 2007, (“June

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<sup>2</sup> MPEP § 2143.

2007 OA”), that Brandt fails to teach the following elements:

- Displaying the first frame and the second frame in a single web page at the user computer (Claims 37, 45);
- That the user’s computer, first Internet domain, and second Internet domain are separate (Claims 37, 45).

Applicant also adds to this list:

- Brandt does not teach providing an automated help session comprising monitoring a plurality of subsequent navigation locations/events initiated by the end-user in the first frame (Claims 37 and 45).

The Jawahar reference does not provide these missing elements. Therefore, even in combination with Brandt, Claims 37 and 45 are not rendered obvious. Each of these are discussed in the following sections.

***a. Jawahar Does Not Teach Displaying the First Frame and the Second Frame in a Single Web Page at the User Computer***

The June 2007 OA contends that Jawahar teaches “the use of multiple frames within a web-browser, including one indicating the help session and the other representing browser location” in at least Col. 12: 21-64.

To make this rejection the Examiner has isolated a component of a claim limitation, taken that component out of context, and applied Jawahar to that isolated component.

In the first place, the entire context of the claim must be considered. To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim

must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Finally, an argument regarding obviousness of a claim may be rebutted by showing that the art, in any material respect, teaches away from the claimed invention. In re Geisler, 116 F.3d 1465, 1471, 43 USPQ2d 1362, 1366 (Fed. Cir. 1997).

Please consider these limitations in their proper context within claims 37 and 45:

37. A computerized method for providing user support, the method comprising:  
 ... a **first frame originating from a first domain** to a **second frame originating from a second domain**, wherein the first domain and the second domain are separate from the end-user computer; ...initiating an automated **help session in the second frame, ... monitoring** one or both of:
  - (i) a plurality of **subsequent navigation locations** of the end-user within the first frame, or
  - (ii) a plurality of **subsequent navigation events** initiated by the end-user within the first frame,
 ... and **displaying the first frame and the second frame in a single web page at the end-user computer.**
  
45. A computerized method for providing user support, the method comprising:  
 ... a **first frame** of a Web page **originating from a first Internet domain** to a **second frame** of the Web page **originating from a second Internet domain**, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer; ...**providing a help session in the second frame** ... comprising[ing] one or both of:
  - (i) **monitoring** a plurality of **subsequent navigation locations** of the end-user within the first frame, or
  - (ii) **monitoring** a plurality of **subsequent navigation events** initiated by the end-user within the first frame; and**displaying the first frame and the second frame in the Web page at the end-user computer.**

The first frame originates from first domain/Internet domain and the second frame originates from a second domain/Internet domain. *See*, Application at Claims 37 and 45. Furthermore, these domains are separate from the end-user computer. *Id.* While Jawahar does teach the use of multiple frames within a web-browser, it does not teach that those multiple

frames (e.g., web page at frame 192 and text chat window at frame 194) originate from a second domain separate from the first domain and the end-user's computer. With regard to the other frames discussed in the cited section (e.g., various system performance data, supervisor messaging system, scripts, etc.) these are not even displayed to the end-user. Therefore, they do not fulfill the claim language "displaying the first frame and the second frame in the web page at the end-user computer." *See*, Claims 37 and 45.

Additionally, the automated help session in the second frame must be able to monitor a plurality of subsequent navigations. *See*, Application at Claims 37 and 45 and [0041]. Nothing in Jawahar teaches that its frames can communicate in this manner. In fact, Jawahar teaches an entirely different communication model at Col. 7: 25-48 wherein, if a customer using browser application 78 changes information on a web page by entering information on a form, the information may be communicated to the agent's browser application 72. *See*, In re Geisler.

The Examiner attempts to graft Jawahar onto Brandt to create the presently claimed invention because Jawahar allows co-browsing between an agent's computer and an end-user's computer. This is not the same thing as presenting a help session in a separate frame on the end-user's computer and having the browser frame and the help frame communicate with one another. Looking at Jawahar, Figure 2, this communication can only take place through the intermediary communication of control server 64. No such intermediary is required in the Claims 37 and 45 because the automated help session, in the second frame, in a single web page of the end-user computer, monitors subsequent navigation by the end-user. Indeed, without this direct communication between the frames on the end-user's computer, there would be no need to circumvent the consistent page domain security requirement discussed previously and within the

specification of the present Application.

Thus, Jawahar does not teach displaying the first frame and the second in a single web page at the user computer as those limitations are defined in the context of Claims 37 and 45.

***b. Jawahar does not teach that separate domains are associated with the frames by showing that the user's computer, first Internet domain, and second Internet domain are separate.***

The June 2007 OA contends that "separation of the various features of Jawahar is taught in at least Figure 2." Again, the Examiner has isolated this limitation to the point that is rendered nearly meaningless. The entire claim context must be considered. See, In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Once this is done, "to support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In claims 37 and 45, a first frame originating from a first domain and second frame originating from a second domain are separate/distinct from the end-user computer. Nothing in Figure 2 even illustrates the existence of frames much less that the originating domains of those frames is separate/distinct from the end-user computer. Finally, for the reasons stated in the previous section, nothing in Figure 2 or anywhere else in Jawahar teaches that these frames can communicate with one another. The mere existence of an agent system, web server, and customer browser does not teach that separate domains are associated with separate frames.

Thus, Jawahar neither expressly or impliedly suggests the claimed inventions because nothing in that reference discusses the originating domains for the frames used in that system. In fact, the communication model taught by Jawahar teaches away from the present invention. Therefore, Jawahar does not teach that separate domains are associated with the frames.

*c. Jawahar does not teach providing an automated help session comprising monitoring a plurality of subsequent navigation locations/events initiated by the end-user in the first frame. Furthermore, the combination of Jawahar's monitoring of subsequent navigation with Brandt's automated help session is not reasonable.*

The combination of Brandt and Jawahar do not teach an automated help session comprising monitoring a plurality of subsequent navigation locations/events initiated by the end-user in the first frame as claimed in Claims 37 and 45.

The prior art reference or combination of references must teach or suggest all of the limitations of a claim. MPEP 2143.03. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). Finally, such secondary considerations as long felt but unsolved needs might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented. *See, Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).

Brandt teaches an automated help session which displays a help file based on the current web page viewed by the user. *See*, Brandt at [0036]. Brandt does not, however, teach any further monitoring of subsequent navigation as is claimed in the present application.



Jawahar, according to the Examiner, teaches “an online system for providing **live support** to an end-user.” *See*, June 2007 OA at page 3. This is contrary to the stated goal of the invention which strives to minimize the dependence upon live support to make e-commerce more cost-effective. *See*, Application at [0008].

Furthermore, the present invention is more than a mere combination of the automated system of Brandt with the monitoring capacity of Jawahar because of the existence of a particular difficulty in providing and automated help session utilizing multiple frames, originating from different domains from the end-user, that track subsequent navigation of the end-user in the first frame associated with the first domain. None of the rationales offered by the USPTO KSR Guidelines to support an obviousness rejection apply to this Application. *See*, USPTO KSR Guidelines at 57529 (“USPTO Rationale #X). These rationales include:

1. Combining prior art elements according to known methods to yield predictable results;
2. Simple substitution of one known element for another to obtain predictable results;
3. Use of known technique to improve similar devices (methods, or products) in the same way;
4. Applying a known technique to a known device (method, or product) ready for improvement to yield predictable results;
5. “Obvious to try”—choosing from a finite number of identified, predictable solutions, with a reasonable expectation of success;
6. Known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art;
7. Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *Id.*

As stated in the Application, the existence of the consistent page domain security requirement presented an unsolved problem in the industry. *See*, Application at [0040-0041].

Specifically, it would not have been possible to simply combine these features in the present application due to an unsolved problem in the computer industry – how to circumvent the consistent page domain security requirement. Per the USPTO's own guidelines, a rejection based on obviousness may be contested if one of ordinary skill in the art could not have combined the claimed elements by known methods (e.g., due to technological difficulties). *See*, Federal Register - Vol. 72, No. 195 (October 10, 2007) at 57534. The technological difficulty here was the existence of the consistent page domain security requirement.

Therefore, due to this technological difficulty, it would not have been possible to combine the prior art elements to yield a predictable result. *Contra*, USPTO Rationale #1. Also, because of the consistent page domain security requirement, simple substitution of the elements of Jawahar with the elements of Brandt would not have achieved the desired result of allowing the frames to communicate with one another. *Contra*, USPTO Rationale #2. Use of the techniques of Brandt and Jawahar in concert would not have improved the state of the art to produce the current claims due to the consistent page domain security requirement. *Contra*, USPTO Rationale #3. There is no technique described in either Brandt or Jawahar which could have been applied to circumvent the consistent domain page security requirement. *Contra*, USPTO Rationale # 4. It would not have been "obvious to try" to combine Brandt and Jawahar for at least the reason that it simply would not have produced an invention covered by the currently pending claims. *Contra*, USPTO Rationale #5. Nothing in either Brandt or Jawahar discusses the problem of circumventing the consistent page domain security requirement so neither of these pieces of prior art would have prompted one of skill in

the art to attempt to modify them to produce the current invention. *Contra*, USPTO Rationale #6. Finally, as has been discussed extensively in this brief, according to the traditional test, there is no teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. *Contra*, USPTO Rationale #7.

Therefore, it would not have been obvious to an artisan of ordinary skill to combine the features of Brandt and Jawahar to produce the current invention due to the existence of this problem and the Examiner has further not provided any line of reasoning as to why an artisan would have found the claimed invention to have been obvious in light of the teachings of the references and the discussed difficulties in combining such references.

## **2. Conclusion on the Rejection of Claims 37-52, 54 and 56 Under 35 USC**

### **103(a) over Brandt and Jawahar**

Applicants therefore submit that the combined art of record fails to teach or suggest all of the limitations recited in each of claims 37 and 45 in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit that the combined art of record fails to render each of claims 37, 45, and their dependent claims obvious in accordance with MPEP 2143, and respectfully request that the rejection be withdrawn.

## **3. Claim 53**

Applicant reiterates and incorporates by reference all of the arguments relating to Claims 37 and 45 as these also apply to Claim 53. Additionally, the Examiner conceded that Brandt failed to disclose that the “browser is subject to the consistent page domain security requirement (Claim 53).”

53. A computerized method for providing user support at an

end-user's computer, the method comprising:  
 passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are contained within a single Web page that is **subject to a consistent page domain security requirement ....**

The Examiner contended, however, that Jawahar taught this limitation by teaching the “user of either the Netscape or the Internet Explorer browser (Jawahar, Col. 6: 8-21), both of which are known to operate under the consistent page domain security when implemented in a Windows environment.”

Applicant does not comment on the operation of Netscape or Internet Explorer here. Applicant does reiterate, however, that the entire context of the claim must be considered. *See, In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Nothing in Jawahar is directed at providing an automated help session by displaying two frames each originating from different domains than the end-user's computer and each other that are capable of communicating with one another after the initiation of the automated help session. As described above, Jawahar follows a communication model that requires the go-between of the control server 64 (See, Jawahar, Col. 7: 25-48 and Figure 2) so there is no need for the live agent of Jawahar to circumvent the consistent page domain security requirement.

Applicant therefore submits that the combined art of record fails to teach or suggest all of the limitations recited in each of claim 53 in accordance with MPEP 2143.03. Accordingly, Applicant respectfully submits that the combined art of record fails to render claim 53 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

### **C. Rejection Under 35 USC 103(a) over Brandt, Jawahar, and Sullivan**

#### **1. Claim 55**

Claim 55 was erroneously rejected under 35 U.S.C. §103(a) as being unpatentable over Brandt in view of Jawahar in view of Sullivan.

55. The method of claim 37, wherein the first domain is associated with a first address, wherein the second domain is associated with a second address, the method **further comprising masking one or both of the first or second addresses to create an appearance that the first and second addresses are the same address [emphasis added].**

Applicants note that under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the limitations of a claim.

The Examiner concedes that the combination of Brandt and Jawahar do not teach “masking either a first or second address to create the appearance that the first and second address are the same address.” The Examiner then contends that this feature is taught by Sullivan at 7: 31-44.

Applicant addressed why Sullivan was insufficient to support this rejection in the Response to the Office Action dated March 17, 2006 (March 2006 OA). The Examiner did not address these arguments in the June 2007 OA. Therefore, Applicant reiterates those arguments here. Applicants submit that the limitations of, “where the first domain is associated with a first address,” and the second domain is associated with a second address, masking one or both of the first or second addresses to create the appearance that the first and second addresses are the same address, as recited in claim 55, provides an additional point of novelty which can be used to distinguish that claim from the prior art of record. Applicants assert that the section of the prior art cited by the Examiner as teaching those limitations, lines 31-44 of column 7 of US 6,694,314 (“Sullivan”), does not teach or suggest the limitations of claim 55. In support of that assertion,

applicants note that lines 31-44 of column 7 of Sullivan teach maintaining security throughout a single logical session comprised of multiple TCP sessions. By contrast, applicants note that the address masking of claim 55 is designed to *circumvent* the consistent page domain security requirement, not to maintain security, as taught in Sullivan. This contrast can be brought into sharp relief by comparing paragraph 38 of the specification as originally filed, which states that “to circumvent the consistent page domain security requirement, the annotation server 200 masks the content from the content provider 115 so that it appears to originate from the same domain as the automated agent (step 275)” with lines 39-40 of column 7 of Sullivan, which states that “a given data set is preferably sealed to restrict access to the data to those having proper credentials.” Therefore, applicants assert that the prior art of record does not teach the novel limitations of claim 55, and respectfully request that the rejection of claim 55 be withdrawn, and that that claim be allowed.

#### **D. Conclusion on Rejections Under 35 USC 103(a)**

With regard to the combination of references which the Examiner has made in order to justify the rejections under 35 U.S.C. §103, the Examiner has isolated and taken out of context various components of the individual elements which make up the present invention to render the current rejections. The Examiner then relies on the following prior art references which, even in combination, do not teach all of the limitations of the present claims. Specifically,

1. Brandt only discusses an automated system without any kind of subsequent monitoring after the initiation of the automated help session;
2. Jawahar does not contain any of the cited limitations discussed above when those limitations are put into their proper overall context;

3. Sullivan does not even discuss the limitation that the Examiner offers it for to render Claim 55 obvious. Furthermore, Examiner failed to address specific arguments raised in the response prior to the current office action.

For the reasons set forth above, it is respectfully submitted that the claims currently pending in the present application meet the requirements of 35 U.S.C. §103(a). Accordingly, it is respectfully requested that the Examiner's rejections be reversed and that the claims currently pending in the present application be indicated as allowable.

Respectfully submitted,

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**VIII. CLAIMS APPENDIX**

37. A computerized method for providing user support, the method comprising:
- passing, at an end-user computer, a navigation event from a first frame originating from a first domain to a second frame originating from a second domain, wherein the first domain and the second domain are separate from the end-user computer;
  - determining the present navigation location within the first frame using the navigation event;
  - initiating an automated help session in the second frame, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent through the second frame;
  - monitoring one or both of:
    - (i) a plurality of subsequent navigation locations of the end-user within the first frame, or
    - (ii) a plurality of subsequent navigation events initiated by the end-user within the first frame,
- wherein the act of monitoring comprises passing the one or both of a plurality of subsequent navigation locations or a plurality of subsequent navigation events to the second frame, wherein the act of monitoring is performed at least in part by the automated agent; and displaying the first frame and the second frame in a single web page at the end-user computer.



38. The method of claim 37, further comprising:
- receiving data that was collected from the end-user in the automated help session;
  - initiating a live help session, wherein the live help session is provided by a live human agent; and
  - passing the collected data to the live help session.
39. The method of claim 37, further comprising:
- receiving data that was collected from an end-user in the first frame; and
  - passing the data collected in the first frame to the second frame.
40. The method of claim 37, wherein the first frame comprises a content frame.
41. The method of claim 37, further comprising:
- passing a command from the automated help session to the first frame.
42. The method of claim 37, further comprising:
- receiving data that was collected in the automated help session; and
  - passing the data to the first frame.
43. The method of claim 38, further comprising:

receiving data that was collected in the live help session; and

passing the data to the first frame.

44. The method of claim 38, further comprising:

receiving data that was collected from the end-user in the second frame; and

passing the data to the live help session.

45. A computerized method for providing user support, the method comprising:

passing, at an end-user computer, a navigation event from a first frame of a

Web page originating from a first Internet domain to a second frame of the Web page originating from a second Internet domain, wherein the first Internet domain and the second Internet domain are distinct from the end-user computer;

determining the present navigation location within the first frame using the navigation event;

receiving automated help session content from the second Internet domain;

providing a help session in the second frame at the end-user computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided by an automated agent, wherein the act of providing a help session comprises one or both of:

- (i) monitoring a plurality of subsequent navigation locations of the end-user within the first frame, or
- (ii) monitoring a plurality of subsequent navigation events initiated by the end-user within the first frame; and

displaying the first frame and the second frame in the Web page at the end-user computer.

46. The method of claim 45, further comprising:

receiving data that was collected from the user in the automated help session;

initiating a live help session, wherein the live help session is provided by a live human agent; and

passing the collected data to the live help session.

47. The method of claim 45, further comprising:

receiving data that was collected from an end-user in the first frame; and  
passing the data collected in the first frame to the second frame.

48. The method of claim 45, wherein the first frame comprises a content frame.

49. The method of claim 45, further comprising:

passing a command from the automated help session to the first frame.

50. The method of claim 45, further comprising:

receiving data that was collected in the automated help session; and  
passing the data to the first frame.

51. The method of claim 46, further comprising:

receiving data that was collected in the live help session; and  
passing the data to the first frame.

52. The method of claim 46, further comprising:

receiving data that was collected from the end-user in the second frame; and  
passing the data to the live help session.

53. A computerized method for providing user support at an end-user's computer, the method comprising:

passing, at the end-user's computer, a navigation event from a first frame originating from a first Internet domain to a second frame originating from a second Internet domain, wherein the first frame and the second frame are contained within a single Web page that is subject to a consistent page domain security requirement;

determining the present navigation location within the first frame using the navigation event;

providing an automated help session in the second frame at the end-user's computer, the automated help session corresponding to the determined present navigation location, wherein the automated help session is provided at least in part by an automated agent, wherein the act of providing an automated help session comprises:

- (i) monitoring navigation activities of the end-user within the first

frame,

(ii) passing data from the second frame to the first frame, and

(iii) passing data from the first frame to the second frame; and

displaying the first frame and the second frame in the single Web page at

the end-user computer;

wherein the end-user's computer, the first Internet domain, and the second

Internet domain are separate domains.

54. The method of claim 38, further comprising:

gathering help data associated with the live help session;

updating a knowledge database with the help data; and

using the help data from the updated knowledge database in a subsequent automated help session to provide assistance to the end-user.

55. The method of claim 37, wherein the first domain is associated with a first address, wherein the second domain is associated with a second address, the method further comprising masking one or both of the first or second addresses to create an appearance that the first and second addresses are the same address.

56. The method of claim 37, further comprising receiving a request from the end-user for assistance, wherein the act of initiating an automated help session is performed in response to receiving the request from the end-user for assistance.

**IX. EVIDENCE APPENDIX**

None.

**X. RELATED PROCEEDINGS APPENDIX**

REQUEST FOR A PRE-APPEAL CONFERENCE AND PANEL DECISION REGARDING  
RELATED CASE 09/944,836